

Licence review - Reference: 31169 Alaturca Lounge, Roe Green Park, Kingsbury Road, London, NW9 9HA Mrs Avril Nightingale (Senior Environmental Health Officer) Neighbourhoods and Regeneration, Food Safety Team. Our ref: SR/02642/24

EXHIBIT 2



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ

Tel: (020) 8937 5252

Direct Line

Email: avril.nightingale1@brent.gov.uk

Web: www.brent.gov.uk

Date: 19/06/2023

Mr Gokcan Algul
Alaturca Lounge
The Lodge,
Kingsbury Road
London NW9 9HA

Your Ref:
Our Ref: SFCE/03666/23
Contact: Avril Nightingale

Dear Mr Algul,

The Health Act 2006

The Health and Safety at Work Act 1974

The Smoke-free (Premises and Enforcement) Regulations 2006

The Tobacco and Related Products Regulations 2016

Children and Young Persons (Protection from Tobacco) Act 1991(as amended) Section 4

The Companies Act 2006

Re: Smoking of tobacco/shisha at Roe Green Park, Kingsbury Road, London, NW9 9HA

I refer to my visit to the Alaturca Lounge on Thursday 15th June 2023 when we discussed the shisha smoking.

I would like to remind you that since 1st July 2007 smoking is prohibited in 'enclosed' or 'substantially enclosed' parts of premises that are open to the public or are used as a place of work by more than one person (including vehicles).

Smoking includes the smoking of tobacco or anything which contains tobacco, or being in possession of lit tobacco or anything which contains tobacco, or being in possession of any other lit substance in a form in which it can be smoked. This includes cigarettes, herbal cigarettes, hand rolled cigarettes, cigars, pipes, water pipes, shisha, hookah etc.

The definition of enclosed and substantially enclosed is given below.

Enclosed: Premises will be considered to be "enclosed" if they have a ceiling or roof, and except for doors and windows or passageways are wholly enclosed, whether on a permanent or temporary basis.

Substantially enclosed: Premises will be considered to be "substantially enclosed" if they have a ceiling or roof, but there are openings in the walls which are less than half of the total wall area, including other structures that serve the purpose of walls and constitute the perimeter of the premises. When working out the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be opened or shut.

This is known as the **50% rule**.

It is your legal responsibility as the proprietor and/or manager of the above premises to prevent people from smoking in your premises as your premises does not comply with the smoke-free law.

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'No-smoking' signs must be displayed to enclosed or substantially enclosed parts of your premises.

All receptacles (shisha pipes and tobacco containers) and tobacco products must display the required health warnings. You also have to display an A3 size sign stating that it is illegal to sell tobacco or tobacco products to anyone under the age of 18 and display your business ownership details.

Health and Safety laws require you to assess all risks, specifically those arising from open fire (charcoal), smoke and other dangers that could pose a risk to staff or customers

Please note that anyone who does not comply with the smoke-free law will be committing a criminal offence. The Fixed Penalty Notices and maximum fine for each offence are set out in the table below.

Example of Penalties

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court Awarded Fine
Health and Safety contraventions	Business owner or employer	N/A	N/A	Can be unlimited and/or imprisonment
Persons smoking in a smoke free place or a vehicle	Anyone who smokes in a smoke free place or a vehicle	£30	£50	up to £200
Failing to prevent smoking in a smoke free place or a vehicle	Anyone who controls or manages the smoke free premises or a vehicle	N/A	N/A	up to £2,500

The Fixed Penalty Notice includes information on the details of the offence and how payment is to be made. Anyone who receives a Fixed Penalty Notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Officers from Brent Council's Regulatory Services will carry out routine inspections of premises to ensure compliance with the law.

Where contraventions of smoke-free or other legislations are identified appropriate enforcement action will be taken.

Further information on smoke free law can be found at:

www.brent.gov.uk and www.smokefreeengland.co.uk

For your Information

ANTISOCIAL BEHAVIOUR AND NUISANCE

As Smoking is only permitted in open areas as described above you must ensure that any noise, smoke, light, parking etc. does not cause a nuisance to people in the vicinity of your premises.

FIRE SAFETY

You must be implement adequate arrangements for the provision and maintenance of measures to prevent, detect and fight fire in your workplace. These include the provision of safe escape routes in premises which do not have a fire certificate.

GAS SAFETY

Gas cylinders should be securely stored to prevent damage and unauthorized access (i.e. locked chains). Cylinders should be placed in a well ventilated compartment inside or outside the premises.

FIRST AID BOX

Employers must provide first-aid facilities which are adequate for:

- The number of persons employed
- The work activities undertaken
- The location of the establishment

The first aid box should contain first-aid materials only. First aid kits should not contain any medication e.g. pills, antiseptic creams etc.

EMPLOYERS LIABILITY INSURANCE

The purpose of employers' liability insurance is to ensure that employers are covered for any legal liability to pay damages to employees who suffer bodily injury and or disease during the course of employment and as a result of employment. This insurance is compulsory and has to be for a minimum of £5 million. Failure to provide evidence of a valid certificate of insurance criminal offence and will be forward to the government department Health and Safety Executive

I recommend that the employers' liability insurance certificate is displayed. You are now required to send a copy of this certificate to this authority. *Employers' Liability (Compulsory Insurance) Regulations 1998*.

RISK ASSESSMENT

Provide a suitable assessment of risks to the health and safety of employees and others (i.e. customers) in order to identify the measures required to comply with the relevant statutory provisions. Areas that may be relevant to your business include chemical safety, display screen equipment, electrical safety, fire safety, manual handling, noisy working environments, work equipment, passive smoking at work, safety of heating equipment, LPG safety, transmittable diseases etc.

Smoking Risk Assessment

Your smoking risk assessment must include the following: - Extent, nature and duration of exposure to tobacco smoke and possible effects on health? Sharing of shisha pipes and risk of transmitting infectious diseases such as TB, Hepatitis, Influenza, passive smoking/second hand smoking? The enclosed leaflet gives further information.

Please contact me quoting the above reference if you would like any further advice or information.

Yours sincerely,

Avril Nightingale
Environmental Health Officer
Regulatory Services
